

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications 23416,)
23417, 23418, and 23419 of Bank of)
America, N.T.&S.A., as Co-Trustee of)
the Pension Trust Fund for Operating) Order 75-2
Engineers, to Appropriate from Cosumnes)
River and Unnamed Streams in Sacramento)
County.)

ORDER AMENDING "ORDER AMENDING
DECISION 1378 AND IN OTHER RESPECTS
DENYING PETITION FOR RECONSIDERATION"

BY THE BOARD:

On September 18, 1974, the California Court of Appeal, Third District, on the petition of Bank of America N.T.&S.A., filed a decision ordering issuance of a peremptory writ of mandate commanding the Board to delete Condition 11 from Decision 1378, dated August 5, 1971, and from the Order Amending Decision 1378, dated September 16, 1971, and remanding the matter to the Board for reconsideration of its approval of the applications upon the present record.

IT IS HEREBY ORDERED that the first full paragraph commencing on Page 2 of the Order Amending Decision 1378 and in Other Respects Denying Petition for Reconsideration be revised as follows:

"Condition 11

The record does not contain substantial evidence to support findings that public access to all the reservoirs is

planned by petitioner or that the public interest requires inclusion of a term, in any permits issued pursuant to Applications 23416, 23417, 23418 and 23419, providing for public access to the applicant's reservoirs. Accordingly, the petition to delete Condition 11 of the Order is granted and Condition 11 is deleted from the Order, on pages 10-11 of the decision; the following sentence is deleted from the first paragraph of finding 11, on page 6 of the decision: 'Public access to all the reservoirs is planned (RT37).'; and the following clause is deleted from the third paragraph of finding 11, on page 7 of the decision: 'and public access to the applicant's reservoirs, subject to a reasonable charge for any services or facilities furnished by the permittee,' together with the reference to Applications 23417, 23418 and 23419 in said paragraph."

IT IS FURTHER ORDERED that the second paragraph commencing on page 2 of the Order Amending Decision 1378 and in Other Respects Denying Petition for Reconsideration be deleted.

IT IS FURTHER ORDERED that in all other respects the Order Amending Decision 1378 and in Other Respects Denying Petition for Reconsideration be affirmed.

Dated: January 16, 1975

W. W. ADAMS
W. W. Adams, Chairman

RONALD B. ROBIE
Ronald B. Robie, Vice Chairman

ROY E. DODSON
Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER
Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN
W. Don Maughan, Member